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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Robert V Vickers  
Vickers Daniels & Young  
Suite 2000  
50 Public Square  
Cleveland, OH 44113

EXAMINER
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WACHTEL, ALEXIS A

ART UNIT	PAPER NUMBER
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1764

DATE MAILED: 11/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/914,326

Applicant(s)

HIPPE ET AL.

Examiner

Alexis Wachtel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>8-23-01</u> . | 6) <input type="checkbox"/> Other: _____  |

***Detailed Action***

***Claim Objections***

1. Claims 3,5,6 and 9 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim must be recited in the alternative. See MPEP § 608.01(n). Claim 6 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. In particular, claim 6 recites an apparatus which depends on a method claim.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by US 5,092,765 to Wahlfeld.

With respect to claim 1, Wahlfeld teaches a method for hot repair of pairwise or group-wise used heating flues of a coke-oven battery, with which even during the construction of the heating flues (Col 2, lines 3-5), the already completed sections of each heating flue are heated by means of heated gas, characterized in that air that is normally present in the heating flues in the coking operation for combustion is used as heated gas, and in that this air is guided through flow paths in the coke-oven battery for

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the combustion air and the exhaust gas including through the regenerator (Col 2, lines 60-68) and in this way is heated and subsequently guided through the heating flues to be repaired, wherein the completed part of the heating flue is separated from the part of the heating flue still to be constructed by an air reversing device (Fig.1, item 10).

With respect to claim 2, Wahlfeld teaches that the position of the air reversing device is moved incrementally upwards with the progress of the work on the wall (Fig.1, item 10).

With respect to claim 3, Wahlfeld teaches that the regulation of the combustion air throughput is done in the air reversing device (Fig.1, item 11). Examiner notes that the chimney (11) inherently attenuates flow of air therethrough.

With respect to claim 4, Wahlfeld teaches that the regulation of the combustion air throughput is done by a sliding valve (Col 4, lines 42-43).

With respect to claim 5, Wahlfeld teaches that the control of the temperature in the region of the air reversing device is done by at least one temperature measurement point (Col 4, line 45-46).

4. Claims 6,7,9 are rejected under 35 U.S.C. 102(b) as being anticipated by US 4,111,756 to Lagemann et al.

With respect to claim 6, Lagemann et al teach a device comprising an air reversing device (Fig.2) with air passage tubes (18,22) that are each connected to a cover plate (13) which separates the completed parts of at least two pairwise or groupwise used heating flues from the pads still to be constructed.

With respect to claim 7, Lagemann et al teach that the air reversing device is provided with a sliding valve (16) for regulating the amount of air.

With respect to claim 9, Lagemann et al teach that the air reversing device features an intermediate part that is connected to the air passage tubes (11).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over US 4,111,756 to Lagemann et al and US 5,092,765 to Wahlfeld

With respect to claim 8, Lagemann et al as set forth above fails to teach the use of at least one temperature measurement point for controlling the temperature in the region of the air reversing device. Wahlfeld is directed to methods of repairing coke oven and teaches that it is known to use thermal elements for attenuating temperatures by controlling valves (Col 4, lines 44-46). In view of this conceptual teaching it would have been obvious to one of ordinary skill to have used thermal elements for attenuating temperatures in the region of the air reversing device. One of ordinary skill would have been motivated by the desire to improve the heating efficiency of the air reversing device.

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**Conclusion**

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alex Wachtel whose telephone number is 571-272-1455. The examiner can normally be reached on 10:30am to 6:30pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Glenn Caldarola, can be reached at (571)-272-1444. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Glenn Caldarola  
Supervisory Patent Examiner  
Technology Center 1700